

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In Re: ) Case No. 16-46670-399  
PETER A. GIAMBALVO, ) Chapter 7  
Debtor. )  
 ) Hearing Date: August 2, 2017  
 ) Hearing Time: 2:00 p.m.

**OBJECTION TO CLAIM**

COMES NOW David A. Sosne, Trustee herein, and objects to the claim described below for the reason(s) set forth:

Claimant: U.S. Bank National Association  
c/o Selene Finance LP  
Attn: BK Department  
9900 Richmond Ave, Suite 400 South  
Houston, TX 77042

Claim No. 2 Amount: \$187,099.61 (Unsecured)

Reason(s) for objections:

\_\_\_ Said claim is excessive.

X Trustee is prepared to consent to the allowance of said claim as a tardily filed general unsecured claim pursuant to 11 U.S.C. § 726(a)(3) in the amount of \$187,099.61. **(Note: Tardily filed claims will be paid to the extent there are surplus funds after payment of timely filed claims.)**

\_\_\_ No proof of debt is attached to claim.

\_\_\_ No accounting of indebtedness is attached to claim.

\_\_\_ Said claim is not for a debt of this debtor.

\_\_\_ No credit is given for the value of security. Said claim is fully secured.

\_\_\_ Said claim has been paid by reaffirmation or otherwise.

\_\_\_ Said claim was filed out of time.

\_\_\_ Said claim is not entitled to priority status.

\_\_\_ Other:

WHEREFORE, Trustee prays that said claim be allowed as a tardily filed general unsecured claim pursuant to 11 U.S.C. § 726(a)(3) in the amount of \$187,099.61 and such further relief as the court deems proper.

SUMMERS COMPTON WELLS LLC

Date: June 28, 2017

By: /s/ David A. Sosne  
David A. Sosne (#28365)  
Chapter 7 Trustee  
8909 Ladue Road  
St. Louis, MO 63124  
(314) 991-4999/(314) 991-2413/FAX  
dastrustee@summerscomptonwells.com

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the Trustee's Objection to Claim 2 will be called up for hearing before the Honorable Charles E. Rendlen III on the 2<sup>nd</sup> day of August, 2017, at 2:00 p.m. or as soon thereafter as counsel may be heard at the United States Bankruptcy Court, 111 South Tenth Street, Floor 5, North Courtroom, St. Louis, MO 63102. A duplicate of the Motion is available upon request to the undersigned or via the Court's CM/ECF Case Management-Electronic Case Filing System. Any response or objection to such must be filed with the Clerk of the United States Bankruptcy Court, Thomas F. Eagleton United States Courthouse, 111 South 10th Street, 4th Floor, St. Louis, Missouri 63102.

**WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY JULY 26, 2017. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS**

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served June 28, 2017 via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing. I hereby also certify that a copy of the foregoing was served June 28, 2017 via United States Mail, first class postage prepaid, on the date of the electronic filing of this document to those individuals and entities not requesting service by electronic filing. The individuals and entities being served electronically or by mail are:

United States Trustee  
United States Department of Justice  
111 South Tenth Street, Ste. 6353  
St. Louis, MO 63102

U.S. Bank National Association  
c/o Selene Finance LP  
Attn: BK Department  
9990 Richmond Ave, Suite 400 South  
Houston, TX 77042

Peter A. Giambalvo  
703 A Tall Oaks Dr.  
St. Clair, MO 63077

Date: June 28, 2017

/s/ David A. Sosne